



state senator
Sue Landske

2006 LEGISLATIVE UPDATE

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SECOND AMENDMENT LAWS PROTECTING GUN OWNERS' RIGHTS

"The people shall have a right to bear arms, for the defense of themselves and the State." Article 1, Section 32 of the Indiana Constitution grants us the freedom to own firearms and store them in our homes.

The "Stand Your Ground" law, House Enrolled Act 1028, aims to protect Hoosiers who are protecting themselves. The bill allows any person to use deadly force against an intruder to the person's home or vehicle. Current law says that the intruder must have intent to cause death or bodily harm, but I believe that when someone breaks into your private property, you do not have the time to determine their exact intent.

Stand Your Ground also removes Indiana's "duty to retreat" requirement. No longer will a Hoosier under attack have to turn their back and try to escape. Instead, victims may fight back if they believe it is necessary to prevent harm.

Finally, it prevents Hoosiers who use such force from being prosecuted. In short, this bill gives rights back to law-abiding citizens.

Senate Enrolled Act 54 attempts to simplify the handgun licensing process. Currently, everyone with a handgun license must have their per-

mit updated and be fingerprinted every four years - even people who have had such a license all of their adult life.

This bill would allow the Superintendent of the Indiana State Police to establish an electronic renewal service and keep one set of fingerprints on file when this system is implemented. In order to keep the cost of this program low, it will rely on federal funding as opposed to taking more from the already strapped state budget. This bill would also allow citizens to apply for lifetime licenses.

The Indiana State Police issues about 80,000 gun permits per year, and these measures would reduce that number and make the process much more efficient. Safety is still a top priority and law enforcement officers would continue to revoke licenses as necessary.

These small, sensible changes will be a great improvement of the current system and make the licensing procedure much more efficient. There is no reason to punish those law-abiding citizens who are simply exercising their Second Amendment rights.

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General Assembly Takes Action to Protect Children

Various pieces of legislation strengthen
Indiana's sex offender law

Indiana's children are our state's most precious assets. Sadly, nearly 67 percent of all reported sexual assault crimes are committed against children. In fact, 34 percent of sexual assault victims are under age 12. One in seven is under age 6. Despite efforts to protect children, there are still sexual predators who continue to prey on their innocence. This session, several bills were filed in an effort to close loopholes and strengthen Indiana's child protection laws.

The new law starts with the premise that the only way to keep sexual predators from striking twice is to ensure their whereabouts are known by law enforcement agencies. This year, the General Assembly created legislation that requires convicted sexual predators to wear a Global Positioning Satellite monitoring device at all times.

New legislation also specifies that a principal residence is the residence where the offender spends the most time. If a sex offender plans to spend more than 72 hours away from his/her principal residence, the individual must notify both the local law enforcement agency and that of the city or county of visitation with a complete itinerary, including a return date.

Also with this newly enacted legislation, any person at least 18 years old who is convicted of child molesting for a second time may be placed on lifetime parole once his or her prison term is complete. Any individual convicted of at least two child molesting

crimes in another state whose parole is transferred to Indiana is also required to be placed on lifetime parole. The General Assembly has also been successful in preventing courts from granting petitions for adoption or legal guardianship to a sexually violent predator or someone who commits child molestation.

In an attempt to modernize the web site, the Department of Corrections (DOC) has been given more authority over sex offenders by receiving control of the state sex offender registry. The DOC is now also required to register all sex offenders before they are released from incarceration.

This year's legislation also prohibits a sexually violent predator from living within 1,000 feet of any school, public park or program center; nor is a sexually violent predator permitted to live within one mile of the victim's residence. It also prohibits any sexually violent predator from working or volunteering on school property, public parks, youth centers, or amusements aimed at attracting children.

I voted in favor of each of these initiatives. Too often, sex offenders are released from prison, supposedly rehabilitated, only to repeat their crimes or commit worse offenses. Statistics show that sex offenders are four times more likely than non-sex offenders to be arrested for another sex crime after being discharged from prison. These initiatives can help provide protection for our most vulnerable Hoosiers — our children.

EMINENT DOMAIN LAW WILL PROTECT PROPERTY OWNERS

Last summer, the U.S. Supreme Court issued a ruling that threatens the right to own property. In *Kelo v. City of New London*, the court said that government may "take" private property for economic development. As then-Justice Sandra Day O'Connor wrote, "Nothing is to prevent the state from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory."

The Supreme Court, however, left a loophole, saying legislatures may further restrict the use of eminent domain. This year, the General Assembly did exactly that.

Last summer, Indiana created an Eminent Domain Study Committee to look at Indiana's property rights laws to see how they could be improved. Many of their conclusions are now in the form of House Enrolled Act 1010.

Perhaps most importantly, the new law requires the reason for using eminent domain be something that benefits the public. Thus, eminent domain can be used for a legitimate government purpose—but not simply to increase a local government's tax base.

HEA 1010 does several other things, including placing time restrictions on eminent domain so that property owners are not left in limbo for years; requiring just compensation for property owners; and mandating good-faith negotiations between the condemner and the property owner.

When used appropriately, eminent domain is an important tool that can provide anything roads, parks and schools for public use. HEA 1010 ensures that this tool is not abused at the expense of Hoosiers' right to own private property.



Senator Landske speaks on a bill.

Senate Bill Seeks to Prevent Gang Violence

Just a few years ago, Hoosiers saw gang violence as a big-city problem. Sadly, places like Los Angeles and New York are no longer the only areas dealing with this type of crime.

In 2001, every city with a population of 250,000 reported the existence of gang activity as did over two-thirds of cities with 50,000 residents. This problem is traveling from the cities to rural areas. Gang crime has reached epidemic proportions, and part of the problem can be attributed to weak penalties for gang activity and a loophole in state law.

In his "State of the Streets" address this year, Marion County Prosecutor Carl Brizzi pointed out that habitual criminals and gang members are being caught with fake IDs. But under current law, simply having fraudulent identification is not a crime. A new law removes that loophole and will discourage would-be criminals from making and selling fake IDs.

This bill gives prosecutors the tools they need to severely punish gang-related crime by doubling the jail sentence for a person who commits a crime affiliated with a gang activity. These stricter penalties can go a long way toward making our streets safer.

We must be proactive in our fight against these destructive groups. The legislature will do whatever it can to prevent the spread of gang activity. The new law makes it clear that if gang members commit a crime in Indiana, they will be punished—severely.

SEA 75 — This legislation establishes a military relief fund for Indiana National Guard members and Indiana armed forces reservists called into active duty after September 11, 2001. It is modeled after a similar program enacted in Illinois in 2003. **PASSED. My vote: YES**

Major Moves: The Jobs Bill of a Generation

General Assembly Votes to Lease the Indiana Toll Road for 75 years - State Will Profit Billions

For years, Indiana has habitually approved almost any road project that is requested with a promise that it will get done "eventually." This resulted in \$2.8 billion of unfunded road projects across the state. With the passage of Major Moves, House Enrolled Act 1008, the General Assembly ensured the state's 10-year road plan will be funded, the Interstate 69 extension will get started, future generations will have money for roads and thousands of jobs will be created across the state.

The crux of the plan — leasing the Indiana Toll Road to private investors — drew attention, praise and criticism in the 10-week legislative session, but in the end, I believe the benefits of the deal outweighed any negatives that were mentioned.

The lease that was ratified through HEA 1008 was a \$3.8 billion agreement between the state and Statewide Mobility Partners (SMP), a Spanish-Australian consortium that operates toll roads all over the world. Supported by business leaders and unions alike, the \$3.8 billion lease and the interest it accrues will pay for the state's road projects, creating — according to some estimates — more than 130,000 jobs. An additional \$150 million will also be distributed to counties for local road projects.

In exchange for an up-front payment, SMP will operate and collect tolls from the Indiana Toll Road for 75 years. The consortium has also agreed to make improvements to the road — estimated at \$4.4 billion — and fund 25 additional State Troopers and a new state police post along the Interstate. The lease agreement and HEA 1008 dictate that SMP must meet federal standards on items such as traffic flow and snow removal. Indiana also

listed its own requirements for maintenance issues such as filling pot holes, removing dead animals, and taking care of other hazards.

In addition to the toll road portion of the law, HEA 1008 also addresses another major road: Interstate 69. The previous timeline for extending I-69 from Indianapolis to Evansville, set by previous administrations, had construction beginning in 2017. That is simply unworkable.

Under HEA 1008, work on the long-awaited interstate could start as soon as 2008 and be completed by 2018. Under the plan, the governor could enter into a Public-Private Partnership (P3) to help build I-69 from Evansville to Martinsville as a toll road. However, tolls from Martinsville to Indianapolis must be approved by the legislature. Additionally, if the administration wants the north end of the road to remain in Perry Township in Indianapolis, the General Assembly must also give approval.

Another important part of the deal is a \$500 million Next Generation Trust Fund. Every five years, beginning in 2011, the state will take the interest the trust fund accrues and deposit it into the Major Moves construction fund. The initial \$500 million, however, will be protected and not spent.

As Governor Mitch Daniels has said, a top-tier economy requires a top-tier infrastructure. Indiana is striving to have an economy that is the envy of the nation, but we can't do so without a road system that also draws envy. Major Moves completes those goals, and I am proud to say I supported it.

SEA 145 — This bill was created to prevent repeat offenses of drunk driving. It allows the seizure of a person's vehicle if they had at least two prior convictions of driving while intoxicated and commit a violation of the law while driving. **PASSED. My vote: YES**

SEA 111 — The bill makes several provisions regarding students' health and nutrition, including the establishment of a student health advisory council, nutritional requirements for foods and beverages, and daily physical activity for students. **PASSED. My vote: YES**

Senate Approves Real Property Tax Relief With Bipartisan Vote

As estimates for property tax increases this year came rolling in at the end of 2005, members of the General Assembly thought property taxpayers could use a break from expected increases. This year, HEA 1001 provides that relief by dedicating \$100 million to subsidize property tax bills.

This move could mean that homeowners will see no increase from their 2005 tax bills. Early estimates suggested hikes as high as 12 percent, but most experts thought increases would be around 5 percent. HEA 1001 will keep any increases reasonable, and may flatline many bills.

In addition to providing immediate property tax relief, HEA 1001 sets the stage for a long-term solution to high property tax bills. The new law states that by 2010, property taxes must be capped at 2 percent of assessed value. In order to replace any revenue that could be lost as a result of this move, the General Assembly in future years will have to find a permanent way to replace property tax revenue.

The Senate voted in a bipartisan fashion this year to lower property tax revenue by 20 percent by increasing local income taxes, but that proposal ultimately did not become law.

HEA 1001 aids property taxpayers, but is also a pro-business law. The legislation phases in a single sales factor tax by 2011. This means



Senator Landske listens to testimony in a committee meeting. Committees meet throughout session to discuss the best course of action to take regarding proposed legislation.

payroll and property factors will no longer be used in figuring corporate taxes. With a single sales factor, businesses will no longer be penalized for owning property or having large payrolls in Indiana.

The out-of-state utility services tax will help Indiana utility companies compete with others by subjecting out-of-state utility companies to the same taxes as Indiana companies face.

In the end, HEA 1001 is a very positive move for Hoosier taxpayers and Hoosier businesses.

Building a Better Workforce for Indiana

The key to a successful economy is the strength of its workforce. The Department of Workforce Development (DWD) implements employment programs for Hoosiers to maintain a vigorous economy, but the current structure doesn't work in the 21st century.

The leaders of the department developed a

Senate Enrolled Act 370 builds a more efficient DWD by providing regional leaders — those closest to local issues and opportunities — the capability to run a system that meets each area's unique needs. This is a vast improvement over today's system, where the state requires identical programs for each region.

Among other things, DWD is responsible for professional training, job-matching and unemployment issues. This proposal has several key provisions that will allow the state to train up to 8,000 additional Hoosiers for high-skilled jobs each year. The new law will:

- Decrease the amount of money spent on administrative duties by about \$1.5 million and use those funds for employment training

- Combine programs to allow customized services to employers and job seekers

- Grant the Indiana Economic Development Corporation the authority to designate economic growth regions

- Establish a regional workforce development system, ensuring greater competition, accountability and flexibility

- Minimize the bureaucracy that deters Indiana's business and community leaders from tackling the economic growth challenges

The United State Department of Labor also advocates the plan. In a letter to Indiana Gov. Mitch Daniels, Assistant Secretary for Employment and Training, Emily Stover DeRocco, stated: "We support Indiana's efforts to streamline its governance structure in order to improve efficiency and assure greater accountability."

This legislation is vital to Indiana's economic growth and stability and would ensure that our workforce development system will be designed and managed at the regional level today and in the future. To build a better workforce in Indiana, we must have a system that meets our goals to expand career opportunities for Hoosiers, increase the wealth of our citizens, and deliver premier customer service.



Senator Landske addresses reporters at a media availability session. Senators meet often with the media to answer questions and address concerns.

new two-year strategic plan to reshape and streamline the delivery of workforce services, and the General Assembly put this plan into action.